

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD HARDING DAVIS,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO. 10-5559
	:	
MICHAEL ASTRUE,	:	
Defendant.	:	

ORDER

AND NOW, this 21st day of March, 2012, upon careful and independent consideration of plaintiff's request for review (Doc. No. 6), defendant's response thereto (Doc. No. 7), and the plaintiff's reply (Doc. No. 8), and after review of the Report and Recommendation of Chief United States Magistrate Judge Carol Sandra Moore Wells (Doc. No. 11), it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.¹
2. The plaintiff's request for review is **GRANTED IN PART** and **DENIED IN PART**.
3. The case is **REMANDED** to the Commissioner of the Social Security Administration to allow the Administrative Law Judge ("ALJ") to conduct additional proceedings consistent with the Report and Recommendation. On remand, the ALJ shall:
(a) explicitly consider plaintiff's fatigue, (b) reconsider plaintiff's RFC including all of his exertional and non-exertional limitations; (c) reassess plaintiff's credibility,

¹ I note that neither party filed objections to the Report and Recommendation.

specifically considering his complaints of fatigue, and (d) pose hypothetical questions to the vocational expert which take into account all credible limitations.

BY THE COURT:

/s/ *Lawrence F. Stengel*
LAWRENCE F. STENGEL, J.